

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
ASBESTOS LITIGATION

MICHAEL & DENISE LYKOSH,
Plaintiff(s),

vs.

AO SMITH CORPORATION, et al
Defendant(s).

Docket No: L-5619-13 (AS)

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 30, 2016:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|---------------------|--|
| Wilentz Goldman & Spitzer | Philip Tortoreti | Plaintiff(s) |
| Carroll McNulty | Michael Moroney | Spirax Sarco; Pro Build |
| Caruso Smith Picini | Lisa Massimi | Union Carbide; CertainTeed |
| Colquhoun & Colquhoun | Maira Colquhoun | Lewa-Nikkiso |
| Forman Watkins | Matthew G. Broderon | Cooper Industries |
| Garrity Graham | Stephen Balsamo | Damon G. Douglas Co. |
| Goldfein & Joseph | Williard Preston | Domco Products Texas Inc. |
| Hardin Kundla | Cynthia Lee | Bak-A-Lum |
| Lavin O'Neil | Catherine Brunermer | 3M Co. |
| Lebowitz Oleske Connahan | Kim Kassir | Allied Building Products |
| Margolis Edelstein | Justin M. Bettis | Alpha Wire; URS E&C |
| Marshall Dennehey | Jeremy Zacharias | Jaeger Lumber |
| McCarter & English | Elizabeth Monahan | Tarkett, Inc. |
| Porzio Bromberg | Michelle Burke | Wyeth Holdings Corp. (improperly pled as Pfizer) |
| Rawle & Henderson | Jamie Augustinsky | American Biltrite |
| Reilly Janiczek | Adrianna Exler | Magnatrol; Samson Electric |
| Sedgwick LLP c/o Speziali | Joanne Hawkins | CBS/ Westinghouse |
| Vasios Kelly | David Blow | Armstrong International; Bird, Inc. |
| Wilbraham Lawler | Tristin Fabro | Karnak Corp. |

IT IS on this 5th day of **July, 2016**, *effective from the conference date*;

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

DISCOVERY

September 30, 2016 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.

September 30, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 30, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 7, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 21, 2016 Summary judgment motions shall be filed no later than this date.

November 18, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

October 7, 2016 Plaintiff shall serve medical expert reports by this date.

October 7, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 31, 2017 Defendants shall identify its medical experts and serve medical reports, if any, by this date.
In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.

LIABILITY EXPERT REPORTS

December 16, 2016 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

January 31, 2017 Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

ECONOMIST EXPERT REPORTS

December 16, 2016 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

January 31, 2017 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

EXPERT DEPOSITIONS

February 20, 2017 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

PRE-TRIAL AND TRIAL

December 14, 2016

The settlement conference previously scheduled on this date is **cancelled**.

February 16, 2017 @ 10:00am

Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

March 20, 2017

Trial Date. (*The January 30, 2017 trial is adjourned to this date.*)

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort